



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17
AUGUSTA, MAINE 04333

BOARD ORDER

IN THE MATTER OF

TOWN OF CASTINE)
CASTINE, HANCOCK COUNTY) ADMINISTRATIVE CONSENT
MAINE) AGREEMENT
EIS DOCKET # 2005-***-W) AND ENFORCEMENT ORDER

This Agreement by and among the Town of Castine, Maine ("Castine", or the "Town"), the Maine Board of Environmental Protection, (the "Board"), and the State of Maine Attorney General is entered into pursuant to 38 M R S A , Section 347-A(1) and in accordance with the Department of Environmental Protection's (the "Department") Consent Agreement Policy, as amended

The parties agree as follows

- 1 Castine is a municipal corporation which is organized and exists under the laws of the State of Maine, and which operates a wastewater treatment system, the Pollution Control Facility (the "PCF")
- 2 The Board has regulatory authority over the activities described hereinafter
- 3 The Castine PCF has a Maine Pollutant Discharge Elimination System (MEPDES) Permit, #ME0101192, and Maine Waste Discharge License (WDL) #W002623-5L-B-R, issued by the Department on December 22, 2004, for the discharge of 0.126 MGD of secondary treated wastewater to the tidewaters of the Bagaduce River, Class SB, in Castine, Maine. This license was preceded by Waste Discharge License #W002623-5L-A-R, issued by the Department on November 30, 1999
- 4 Castine PCF's Waste Discharge License #ME0101192, Special Condition A, Effluent Limitations and Monitoring Requirements, and Castine's previous license, #W002623-5L-A-R, limit the discharge of Biochemical Oxygen Demand ("BOD") to a monthly average of 32 pounds per day (lb /day), a weekly average of 47 lb /day, and a daily maximum of 53 lb./day. It also limits the maximum daily, weekly average, and monthly average effluent BOD concentrations to 30, 45, and 50 mg/l, respectively. Since January 01, 2000, the Castine PCF has recorded seventeen (17) BOD discharge violations:

| | |
|-------------------------------|------------------|
| Monthly average lb /day, | 04/04, 10/05 |
| Weekly average lb /day. | 04/04 (3), 10/05 |
| Daily maximum lb /day, | 04/04 (3), 10/05 |
| Monthly average concentration | 04/04 |
| Weekly average concentration | 04/04 (3) |
| Daily maximum concentration | 04/04 (3) |

By exceeding the BOD limits of its Waste Discharge License, Castine PCF violated Special Condition A of its Permit

- 5 Castine PCF's Waste Discharge License #ME0101192, Special Condition A, Effluent Limitations and Monitoring Requirements, and Castine's previous license, #W002623-5L-A-R, limit the discharge of Total Suspended Solids ("TSS") to a monthly average of 32 pounds per day (lb /day), a weekly average of 47 lb /day, and a daily maximum of 53 lb /day. It also limits the maximum daily, weekly average, and monthly average effluent TSS concentrations to 30, 45, and 50 mg/l, respectively. Since January 01, 2000, the Castine PCF has recorded twenty three (23) TSS discharge violations

| | |
|-------------------------------|-------------------------|
| Monthly average lb /day | 04/04, 10/05 |
| Weekly average lb /day | 04/04 (3), 10/05 |
| Daily maximum lb /day | 04/04 (3), 09/05, 10/05 |
| Monthly average concentration | 04/04, 09/05 |
| Weekly average concentration | 04/04 (3), 11/04, 09/05 |
| Daily maximum concentration | 04/04 (3), 11/04, 09/05 |

By exceeding the TSS limits of its Waste Discharge License, Castine PCF violated Special Condition A of its Permit

- 6 Castine PCF's Waste Discharge License #ME0101192, Special Condition A, Effluent Limitations and Monitoring Requirements, and Castine's previous license, #W002623-5L-A-R, limit the monthly average flow through the PCF to 0.126 MGD. Since January 01, 2000, the Castine PCF has recorded twenty (20) monthly average flow discharge violations

| | |
|---------------------------|---------------------------------|
| Monthly average flow, MGD | 2000 Jan , Feb , Mar , Apr |
| | 2001 Mar , Apr |
| | 2002 Mar , Apr , May, Nov |
| | 2003 Mar , Apr , Nov , Dec |
| | 2004 none |
| | 2005 Mar., Apr , May, Oct , Nov |
| | 2006 Feb |

By exceeding the flow limit of its Waste Discharge License, Castine PCF violated Special Condition A of its Permit.

7. Castine PCF's Waste Discharge License #ME0101192, Special Condition A, Effluent Limitations and Monitoring Requirements, and Castine's previous license, #W002623-5L-A-R, limit the monthly average geometric mean Fecal Coliform bacteria count to 15 colonies/100ml, and the daily maximum Fecal Coliform bacteria count to 50 colonies/100ml. In March, 2000, the Castine PCF recorded two (2) daily maximum Fecal Coliform violations

| | |
|---------------------------|---------------|
| Daily maximum Fecal count | 2000. Mar (2) |
|---------------------------|---------------|

By exceeding the Fecal Coliform limit of its Waste Discharge License, Castine PCF violated Special Condition A of its Permit

- 8 Castine PCF's Waste Discharge License #ME0101192, Special Condition A, Effluent Limitations and Monitoring Requirements, and Castine's previous license, #W002623-5L-A-R, limit the Daily Maximum Total Residual Chlorine ("trc") concentration to 0.013 ppm. Since January 01, 2000, the Castine PCF has recorded five (5) Daily Maximum TRC violations
- Total Residual Chlorine, daily maximum 2000 Apr
2003 Mar
2004 Feb (2), May
- By exceeding the TRC limit of its Waste Discharge License, Castine PCF violated Special Condition A of its Permit
- 9 Castine PCF's Waste Discharge License #ME0101192, Special Condition A, Effluent Limitations and Monitoring Requirements, and Castine's previous license, #W002623-5L-A-R, limit the daily Settleable Solids ("ss") to a Daily Maximum of 0.3 ml/L. Since January 01, 2000, the Castine PCF has recorded seventeen (17) Daily Maximum SS violations
- Settleable Solids, daily maximum 2001 Oct
2003 Mar, Apr
2004 Apr (6), May
2005 Apr (2), May, Oct (2), Nov
2006 Feb
- By exceeding the Settleable Solids limit of its Waste Discharge License, Castine PCF violated Special Condition A of its Permit
- 10 Castine PCF's Waste Discharge License #ME0101192, Special Condition A, Effluent Limitations and Monitoring Requirements, and Castine's previous license, #W002623-5L-A-R, limit the monthly calculated Suspended Solids Percent Removal to a minimum of 85%. Since January 01, 2000, the Castine PCF has recorded two (2) Monthly Suspended Solids Percent Removal violations
- Suspended Solids, % removal 2005 Apr, Oct
- By exceeding the Monthly Suspended Solids Percent Removal limit of its Waste Discharge License, Castine PCF violated Special Condition A of its Permit
- 11 Castine PCF's Waste Discharge License #ME0101192, Special Condition A, Effluent Limitations and Monitoring Requirements, and Castine's previous license, #W002623-5L-A-R, limit the effluent pH to a range of 6.0 – 9.0 standard units. Since January 01, 2000, the Castine PCF has recorded three (3) pH violations
- pH 2004 May, Oct
2005 May
- By exceeding the pH limit of its Waste Discharge License, Castine PCF violated Special Condition A of its Permit

- 12 The actions described in paragraphs 4 through 11, above, are violations of Title 38 M R S A , Section 414(5)
- 13 On October 8, 2004, June 28, 2005, and January 05, 2006 the Department issued Notices of Violation (NOVs) to the Town of Castine Pollution Control Facility, regarding the violations identified in paragraphs 4 through 11, above, requesting that the Town specify to the Department what step(s) will be taken to address Infiltration & Inflow or treatment issues
- 14 In response to the NOVs, the Town of Castine has determined that it shall upgrade its treatment facility to allow it to treat current and reasonably foreseeable future levels of influent flow. Consideration was also given to Infiltration & Inflow remediation projects beyond what has already been accomplished, however, the Town ultimately preferred to address its treatment facility, and the Department concurs with this approach. To upgrade its facility, Castine will
- Improve the headworks grinder
 - Add a selector basin
 - Expand & upgrade the aeration basin capacity
 - Upgrade the aeration blower/diffuser system
 - Add a clarifier flow splitter box
 - Increase the surface area of the final clarifier
 - Upgrade the return sludge pumps
 - Upgrade the grease removal system
 - Extend the chlorine contact tank
 - Upgrade the effluent flow meter
 - Replace the sludge press
 - Complete general plant & building improvements
- 15 This Agreement shall become effective only if it is accepted by the Board and approved by the Attorney General
- 16 To resolve the violations referred to in paragraphs 4 through 11, above, the Town of Castine agrees to
- A On or before the following date, submit for the Department's review and approval the Town's:
- Completed Facility Design Plan for the upgraded Pollution Control Facility – December 31, 2006
- Implement the approved, completed Facility Design Plan, addressing the issues identified in paragraph 14, above, as follows
- Bid on Construction of Project for the PCF – February 28, 2007
 - Finalize Project Financing – April 31, 2007
 - Award Contract for the PCF upgrade – May 31, 2007

Commence Construction – According to the approved schedule, but not later than June 30, 2007

Complete Construction of the upgraded PCF – December 31, 2008

The parties recognize that the Town's compliance with some of the dates in this schedule are dependent on the timely issuance of necessary approvals by the Department. Should any required approvals be delayed such that Castine can not reasonably comply with this schedule, the Department may, upon written request from Castine, extend the time for complying with the remaining deadlines. Any such extension shall be for the minimum amount of time practicable for Castine to meet its obligation under this Consent Agreement.

- B Pay to the *Treasurer, State of Maine*, a civil monetary penalty in the amount of Three Thousand, One Hundred and Ninety Seven dollars (\$3,197), due immediately upon signing this Agreement.
- 17 The Board and the State of Maine Attorney General grant the Town of Castine a release of their causes of action against the Town for the specific violations listed in paragraphs 4 through 11, above, on the express condition that all actions called for in paragraph 16, above, are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective unless and until the above conditions are satisfied.

TOWN OF CASTINE
CASTINE, HANCOCK COUNTY
MAINE
EIS DOCKET # 2005-***-W

PAGE 6) ADMINISTRATIVE CONSENT
) AGREEMENT
) AND ENFORCEMENT ORDER

ORDER

Pursuant to 38 M R S A Section 347-A(1) and the Department's Consent Agreement Policy, as amended, and based on the Agreement set forth above, the Board ORDERS the Town of Castine to

On or before the following date, submit for the Department's review and approval the Town's
Completed Facility Design Plan for the upgraded Pollution Control Facility – December 31, 2006

Implement the approved, completed Facility Design Plan, addressing the issues identified in paragraph 14, above, as follows

Bid on Construction of Project for the PCF – February 28, 2007

Finalize Project Financing – April 30, 2007

Award Contract for the PCF upgrade – May 31, 2007

Commence Construction – According to the approved schedule, but not later than June 30, 2007

Complete Construction of the upgraded PCF – December 31, 2008

Some of the dates in this schedule are dependent on the timely issuance of necessary approvals by the Department. Should any required approvals be delayed such that Castine can not reasonably comply with this schedule, the Department may, upon written request from Castine, extend the time for complying with the remaining deadlines. Any such extension shall be for the minimum amount of time practicable for Castine to meet its obligation under this Consent Agreement.

IN WITNESS WHEREOF the parties have executed the Agreement consisting of six (6) pages

TOWN OF CASTINE

BY  DATE 2 MAY 2006
DALE ABERNETHY, TOWN MANAGER

BOARD OF ENVIRONMENTAL PROTECTION.

BY _____ DATE _____
MATTHEW SCOTT, CHAIRMAN

SEEN AND AGREED TO
State of Maine

BY: _____ DATE _____
Assistant Attorney General